

Senate File 465 - Introduced

SENATE FILE 465
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO SSB 1103)

A BILL FOR

1 An Act relating to assisted living programs, including
2 voluntary cessation of program operations and
3 decertification, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 231C.2, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. a. "*Assisted living*" means provision of housing
4 with services which may include but are not limited to
5 health-related care, personal care, and assistance with
6 instrumental activities of daily living to three or more
7 tenants in a physical structure which provides a homelike
8 environment.

9 b. "*Assisted living*" also includes encouragement of family
10 involvement, tenant self-direction, and tenant participation
11 in decisions that emphasize choice, dignity, privacy,
12 individuality, shared risk, and independence.

13 c. "*Assisted living*" includes the provision of housing and
14 assistance with instrumental activities of daily living only if
15 personal care or health-related care is also included.

16 d. "*Assisted living*" includes twenty-four hours per
17 day response staff to meet scheduled and unscheduled or
18 unpredictable needs in a manner that promotes maximum dignity
19 and independence and provides supervision, safety, and
20 security.

21 e. "*Assisted living*" includes any entity that meets the
22 definition of assisted living under this subsection, whether
23 or not the entity represents the entity to the public as an
24 assisted living program or as a certified assisted living
25 program, including an entity that decertifies a program
26 but continues to provide housing and continues to be or
27 subsequently becomes the sole provider of assistance with
28 instrumental activities of daily living, personal care, or
29 health-related care, by whatever means employed or contracted,
30 including through a subsidiary, parent, or related corporation.

31 Sec. 2. Section 231C.2, Code 2011, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 2A. "*Assisted living program*" or "*program*"
34 means an entity that provides assisted living.

35 Sec. 3. Section 231C.5, subsection 2, paragraph b, Code

1 2011, is amended to read as follows:

2 b. (1) A statement regarding the impact of the fee
3 structure on third-party payments, and whether third-party
4 payments and resources are accepted by the assisted living
5 program.

6 (2) The occupancy agreement shall specifically include a
7 statement regarding each of the following:

8 (a) Whether the program requires disclosure of a tenant's
9 personal financial information for occupancy or continued
10 occupancy.

11 (b) The program's policy regarding the continued tenancy of
12 a tenant following exhaustion of private resources.

13 (c) Contact information for the department of human
14 services and the senior health insurance information program to
15 assist tenants in accessing third-party payment sources.

16 Sec. 4. NEW SECTION. 231C.11A Voluntary cessation of
17 program operations — decertification.

18 1. The department shall adopt rules regarding the voluntary
19 cessation of program operations of an assisted living
20 program, including decertification. The rules shall address
21 notification of the tenants, tenant legal representatives, the
22 department, and the tenant advocate at least ninety days prior
23 to the anticipated date of cessation of program operations; the
24 requirements for the safe and orderly transfer or transition of
25 all tenants; and monitoring of the program during the process
26 and after cessation of program operations.

27 2. Within seven days following provision of notice of
28 cessation of program operations, the assisted living program
29 shall hold a meeting and invite all tenants, tenant legal
30 representatives, families of tenants, representatives of the
31 department, and the tenant advocate to discuss the pending
32 cessation of the program and to answer any questions. The
33 department and the tenant advocate shall have access to attend
34 the meeting and provide information to the tenants regarding
35 their legal rights.

1 3. The tenant advocate shall monitor the decertification
2 process and shall undertake any investigations necessary to
3 ensure that the rights of tenants are protected during the
4 process and after cessation of program operations. The tenant
5 advocate shall assist tenants during the transition, including
6 assisting tenants in finding necessary and appropriate service
7 providers if the assisted living program is unable to provide
8 such necessary and appropriate services during the transition
9 period. The assisted living program shall cooperate with the
10 tenant advocate by providing contact information for service
11 providers within a thirty-mile radius of the program.

12 4. Following cessation of program operations and
13 decertification, the department shall retain authority to
14 monitor the decertified program to ensure that the entity does
15 not continue to act as an uncertified assisted living program
16 or other unlicensed, uncertified, or unregistered entity
17 otherwise regulated by the state following decertification.
18 If a decertified assisted living program continues to or
19 subsequently acts in a manner that meets the definition of
20 assisted living pursuant to section 231C.2, the decertified
21 program is subject to the criminal penalties and injunctive
22 relief provisions of section 231C.15, and any other penalties
23 applicable by law.

24 EXPLANATION

25 This bill relates to assisted living programs.

26 The bill provides that the definition of "assisted living"
27 includes any entity that meets the definition of assisted
28 living whether or not the entity represents itself to the
29 public as an assisted living program or as a certified assisted
30 living program, including an entity that decertifies a program
31 but continues to provide housing and continues to be or
32 subsequently becomes the sole provider of assistance with
33 instrumental activities of daily living, personal care, or
34 health-related care, by whatever means employed or contracted,
35 including through a subsidiary, parent, or related corporation.

1 The bill requires that certain information regarding
2 disclosure of a tenant's personal financial information, and
3 policies regarding tenancy following exhaustion of private
4 resources, and contact information for assistance in accessing
5 third-party payment sources, is to be included in an occupancy
6 agreement.

7 The bill directs the department of inspections and
8 appeals to adopt rules regarding the voluntary cessation of
9 program operations of an assisted living program, including
10 decertification. The rules specifically are to address
11 notification of the tenants, tenant legal representatives, the
12 department, and the tenant advocate at least 90 days prior to
13 the anticipated date of cessation of program operations; the
14 requirements for the safe and orderly transfer or transition of
15 all tenants; and monitoring of the program during the process
16 and after cessation of program operations. The bill requires
17 that within seven days following provision of notice, the
18 assisted living program shall hold a meeting and invite all
19 tenants, tenant legal representatives, families of tenants,
20 representatives of the department, and the tenant advocate to
21 discuss the pending cessation of the program and to answer
22 any questions. The department and the tenant advocate are
23 authorized to have access to attend the meeting and provide
24 information to the tenants regarding their legal rights.

25 The bill directs that the tenant advocate shall monitor the
26 decertification process and shall undertake any investigations
27 necessary to ensure that the rights of tenants are protected
28 during the process and after cessation of program operations.
29 The tenant advocate is also to assist tenants in finding
30 necessary and appropriate services during the transition if the
31 program is unable to provide services during the transition.
32 The assisted living program is required to cooperate with the
33 tenant advocate by providing contact information for service
34 providers within a 30-mile radius of the program.

35 Following cessation of program operations and

1 decertification, the department is authorized to retain
2 authority to monitor the decertified program to ensure
3 that the entity does not continue to act as an uncertified
4 assisted living program or other unlicensed, uncertified, or
5 unregistered entity otherwise regulated by the state following
6 decertification. If a decertified assisted living program
7 continues to or subsequently acts in a manner that meets
8 the definition of assisted living, the decertified program
9 is subject to the criminal penalties and injunctive relief
10 provisions of Code section 231C.15, and any other penalties
11 applicable by law.